

MASS. EA 24.3: 997/1

# HWACalendar

January 15, 1997

## MEETING NOTICE

---

Published by the Hazardous Waste Management Program  
for the HAZARDOUS WASTE ADVISORY COMMITTEE  
for more information call Nancy Wrenn at 617-292-5587

---

**Location of the meeting:** 7th floor conference room, One Winter Street, Boston

Note: All visitors must now come up the escalator to the second floor reception desk first.

## AGENDA

9:30 A.M. Minutes of the November 20, 1996 meeting

9:45 Status Reports:

Reorganization of the Bureau of Waste Prevention - Steve DeGabriele  
Regulations Subcommittee - Lynn Rubinstein, Geoff Brown  
Implications of P.L. 104 on Battery Management - Jim Miller

10:45 Evaluation of the Printers Partnership, using Environmental Indicators as a Measure  
of Success - Nancy Wrenn and Alissa Whiteman

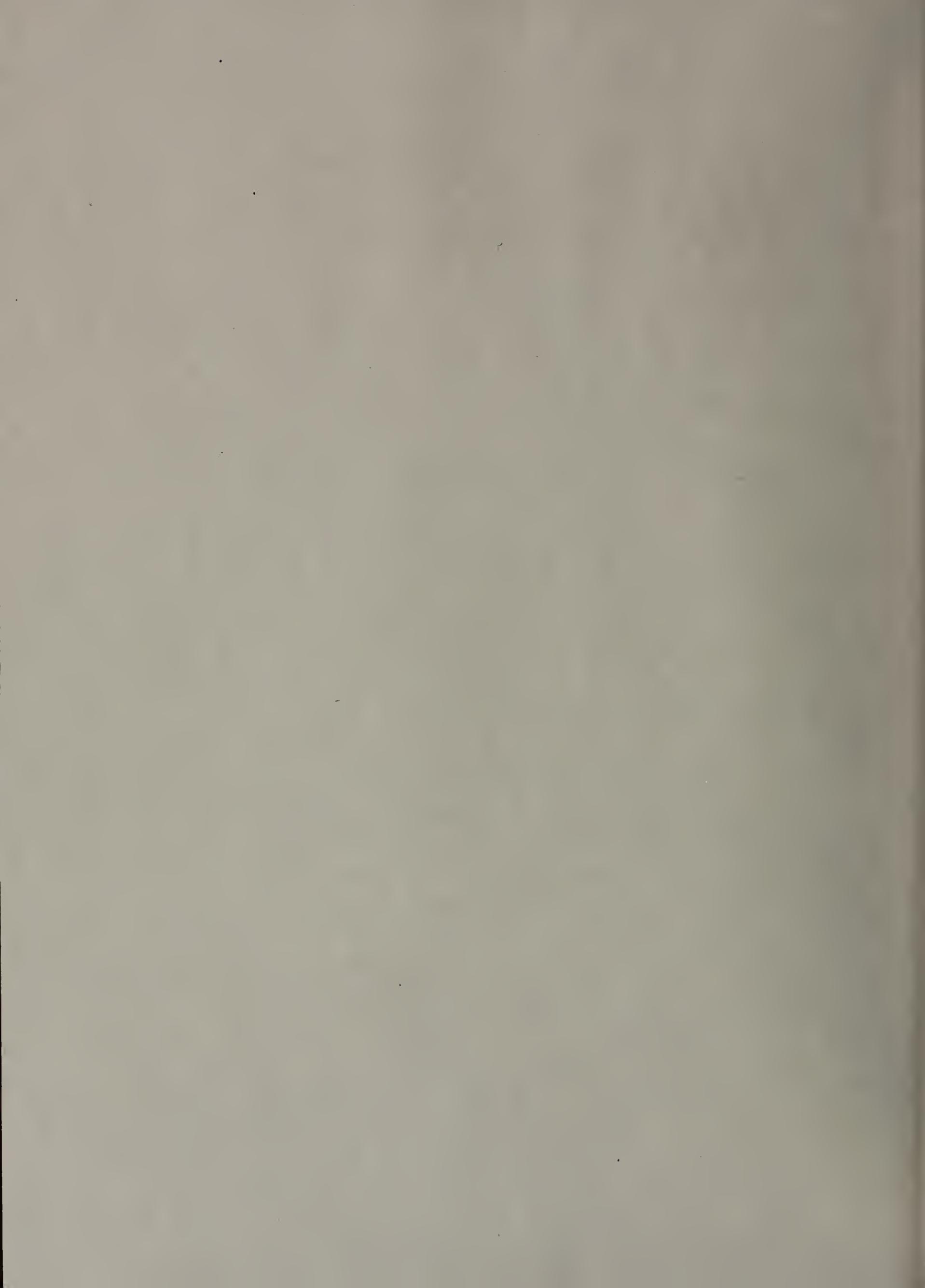
\*\*\*\*\*

Regs Subcommittee Meeting  
January 10 1:00-4:00 PM  
National Guard Armory, Worcester

Transporter Committee Meeting  
February 12 10-12 AM  
DEP, Boston 5th Floor Conf. Room

Contact: James Paterson [556-1096]

Contact: Asha Shah [292-5576]





## Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting  
November 20, 1996

Members present: Adams (chair), Cox, Perry, Shaines

Members absent: Brown, Cahaly, Franklin, Lataille, Mascoop, Rubinstein

The minutes of the October 16, 1996 meeting were accepted as written. Members present decided that due to conflicts of schedule, there would be no December meeting. The subcommittee would meet on December 13 to continue discussion of Universal Waste Rule recommendations.

### Status Report: Regs Review Committee

On behalf of the subcommittee, Ty Perry offered a draft letter to the Department which outlined the recommendations of the committee for adoption of the federal definition of "closed" in on-site treatment in tanks or containers, compaction of absorbent materials as an exempt treatment, and reintroduction of released regulated recyclable material (excluding Class C materials) back into the recycling system. With some minor clarifications suggested by the members, on a motion by Perry, seconded by Shaines, the letter was accepted as written.

### Measures of Success: Environmental Indicators

Carol Rowan-West, director of the DEP Office of Research and Standards, which provides technical support to programs on adverse health effects, establishes methodologies and sets standards to protect public health and the environment. In the Performance Partnership Agreements being negotiated with EPA, there is a change in EPA's oversight role which requires the DEP to define what we are doing for the environment. She has participated in the New England Environmental Goals and Impact Project which has been working for a year and a half on the development and use of environmental indicators.

The following outlines the discussion:

#### Stated DEP Goal: Reduce Waste at the Source of Generation within MA

Ways to measure whether you reached this goal, suggested by the members:

- Correlate actions with emissions/ambient concentrations
- Amount of hazardous waste recycled
- TURA reports and LQG Biennial Reports
- Tie waste to an input process/revenue

Stated DEP Goal: Reduce the Toxicity and Impact of All Waste

Ways to measure the success of this:

- Air emissions from incinerators
- Quantity and amount recycled
- Number of recycling programs
- How much is collected by municipalities
- For specific chemicals/materials, restrict how disposed in landfills, incinerators
- "A place for every waste and every waste in its proper place"

DEP Goal: Clean up Waste Sites: Corrective Action at Hazardous Waste Facilities

Measures:

- Amount of chemical contamination reduced
- "Risk" to human health & safety & environment posed by the site
- Actual health effects from sites

The members raised issues related to establishing cause and effect, possible bias or judgment in interpretation of data, need for baseline data, need for correlation data, need to work more closely with the Department of Public Health, and, in general, the difficulties of "risk assessment."

Rowan-West noted that ideally there would be direct measures on which to describe the results of the Department's work to the public, but we may not have the appropriate data yet and will need to change reporting. She distributed a Continuum of Information Available, showing the relationship between actions (by DEP/EPA and by sources) and quantifiable environmental measures, both indirect and direct. Evaluation of the Department's ability to achieve certain goals in terms of staff resources, etc. also needs to be added to the equation. This complex task is the direction in which the Department is now moving. All agreed that risk communication to the public, in terms of interpretation of environmental success, is also a significant challenge.

GOVERNMENT DOCUMENTS  
COLLECTION

MAR 14 1997

# HWACalenday

University of Massachusetts  
Depository Copy

March 19, 1997

## MEETING NOTICE

---

Published by the Hazardous Waste Management Program  
for the HAZARDOUS WASTE ADVISORY COMMITTEE  
for more information call Nancy Wrenn at 617-292-5587

---

**Location of the meeting: 6th floor conference room, One Winter Street, Boston**

Note: All visitors must now come up the escalator to the second floor reception desk first.

## AGENDA

9:30 A.M. Minutes of the November 20, 1996 meeting (mailed with last notice)

9:45 Reorganization of the Bureau of Waste Prevention - Steve DeGabriele & Barbara Kwetz  
Discussion of the Committee's letter to Commissioner Struhs (enclosed)

10:30 Status reports:  
Regulations Subcommittee - Lynn Rubinstein, Geoff Brown  
Universal Waste Rule - Jim Miller  
Incorporation-by-Reference Work Plan - Jim Miller

11:00 Evaluation of the Printers Partnership, using Environmental Indicators as a Measure of Success - Nancy Wrenn and Alissa Whiteman

---

\*\*\*\*\*  
Regs Subcommittee Meeting  
March 14 1:00-4:00 PM  
National Guard Armory, Worcester  
Contact: James Paterson [556-1096]

Transporter Committee Meeting  
April 9 10-12 AM  
DEP, Boston 5th Floor Conf. Room  
Contact: Asha Shah [292-5576]

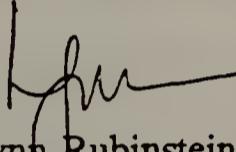
Lynn Rubinstein  
Co-Chair Regulations Review Subcommittee  
Hazardous Waste Advisory Committee  
42 N. Hill Dr.  
Conway, MA 01341

February 6, 1997

Hazardous Waste Advisory Committee Members and Friends,

At its meeting of January 29, 1997, the Regulations Review Subcommittee voted to present the following letter to the Hazardous Waste Advisory Committee for immediate action. We had hoped to have an HWAC meeting in February, but DEP staffing commitments have required that the meeting be delayed until March. The Subcommittee feels that the follow matter is urgent and needs to be addressed by HWAC at the earliest possible moment. We ask that you make every effort to attend the March meeting and that you consider the content of this proposed letter. Thank you.

Sincerely,



Lynn Rubinstein  
Co-Chair, Regulations Review Subcommittee  
HWAC Steering Committee Member

DRAFT

Commissioner David Struhs  
Department of Environmental Protection  
One Winter Street  
Boston, MA 02108

Dear Commissioner Struhs,

The Hazardous Waste Advisory Committee (HWAC) is writing to alert you to our concerns about the future effectiveness of this gubernatorially appointed volunteer body. As you know, HWAC is statutorily established within the 21C program. For many years it has been an important partner with DEP in the development of regulations, reviewing program priorities and policies, and bringing the voices of the public and regulated community to the table in a cooperative format. HWAC has assisted DEP on many issues and we feel no hesitation in stating that the value of this group is widely and justifiably recognized.

At a recent meeting of the key subcommittee of this body, the Regulations Review subcommittee (RRs), we were informed that in order to complete the process of RCRA authorization and recodification DEP (Incorporation by Reference) will withdraw staff support from the RRs for at least the next six months. While we applaud this work (indeed the RRs has already devoted substantial time to assisting DEP in this effort), we are concerned about the ability to function effectively as a resource to DEP without staff participation. This dedicated subcommittee meets regularly every three weeks for three hours. We have engaged in substantive and detailed work on a variety of topics critical to the 21C program (see attached summary report) and continually serve as a working group actively responding to DEP staff questions.

We are also informed that due to reorganization DEP is considering how HWAC will fit in and what role it will have. The possibility that HWAC will no longer meet or be staffed was also suggested. We feel strongly that HWAC must continue to have an integral role in hazardous waste management decision making within DEP.

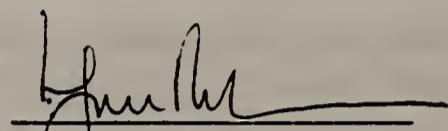
Participants in HWAC and its Regulations Review subcommittee feel a strong sense of responsibility to represent the public and the regulated community. They donate considerable time and effort to bring an outside perspective to the development of DEP's rules and policies, and do so in order to help the agency meets its mission in an effective, efficient, and innovative manner. All participants are professionals in the field. Without interaction from agency staff, the committees will still meet and provide advice to DEP, but the quality of the process and thus the value of the advice will be severely degraded. Its deliberations will not be informed by DEP's agency or priorities, and it will not be able to be a flexible response organization providing professional guidance.

Without participation from DEP, HWAC and its subcommittees could conceivably spend days considering course of action that are simply not open to the agency or which have other constraints not apparent without agency input. DEP will not be saving staff time by withdrawing staff support from the subcommittee, or possible HWAC. The statute requires that DEP consult HWAC. If HWAC uncovers problems or raise new perspectives about proposed regulations or policies, DEP staff will then have to redo work mid-course. Most likely, matters that could have been considered in the beginning may in many cases be noted too late. Thus, to save a measure of staff time, the quality and timing of DEP's policies and rules could well suffer substantially. It is simply more efficient to have DEP staff participate in HWAC and its subcommittees.

HWAC has been a model advisory committee for many years. Its Regulations Review Subcommittee began and promoted the work of comprehensive regulatory review with the same goals as the Governor's Executive Order several years before the administration took this position. We hope that due consideration will be given to the history of this profitable interaction when the question of staff time and Advisory Committee roles is resolved.

We look forward to the opportunity to discuss this matter with you at any time.

Sincerely,



For the Regulations Review Subcommittee, Hazardous Waste Advisory Committee  
Lynn Rubinstein, Co-Chair

cc: Secretary Trudy Coxe; Commissioner David Struhs; Steve DeGabriele

MASS. EA 24.3:997/July

GOVERNMENT DOCUMENTS  
COLLECTION

HWACalendar

AUG 26 1997

July 9, 1997

University of Massachusetts  
Depository Copy

MEETING NOTICE

Published by the Waste Program Planning Unit  
for the

HAZARDOUS WASTE ADVISORY COMMITTEE  
for more information

call Paul Walsh (617-556-1011) or Ken Pelletier (617-292-5552)

Meeting Location: DEP Boston - One Winter Street  
Third Floor Conference Room

Notes: All visitors must now come up the escalator to the  
second floor reception desk (sign-in).

Hank Suthworth, Division Director of the Consumer and Transportation Division  
has a conflict & cannot make this meeting. He has agreed to attend the next HWAC  
meeting to discuss his Division.

The Annual Field Trip is tentively scheduled for August 20 at  
SEMASS. Details will be discussed at today's meeting.

9:30 A.M. Minutes of the March 19, 1996 meeting (mailed with the last notice)

9:45 A.M. Status reports:

Regulations Subcommittee- Lynn Rubinstein, Geoff Brown  
Universal Waste Rule- Jim Patterson

10:30 A.M. Performance Partnership Agreement- Barbara Kwetz

\*\*\*\*\*

Regs Subcommittee Meeting

July 3 1:00-4:30 PM

National Guard Armory, Worcester

Contact: James Paterson [556-1096]

Transportation Committee Meeting

August 13 10-12 AM

DEP, Boston 3rd floor Conf. Room

Contact: Asha Shah [292-5576]



Minutes of HWAC Meeting  
March 19, 1997

Members present: Adams (chair), Cox, Cahaly, Lataille, Mascoop, Rubinstein, Shaines

Members absent: Brown, Franklin, Perry

The minutes of the November 20, 1996 meeting were approved as written. (The January meeting was canceled.)

Reorganization of the Bureau:

Steve DeGabriele, currently director of the Hazardous Materials Program, to become the director of the new Business Compliance Division, described the realignment which the Bureau is undergoing. A December 12 message from Carl Dierker, Assistant Commissioner, which outlines the changes was distributed. The Planning and Evaluation Division will be concerned with long-range goals and measurement of Bureau performance in the context of the new federal "block grant." The Consumer and Transportation Division will deal with emerging air programs, e.g. Enhanced Inspection and Maintenance, ride-sharing, as well as household hazardous product programs, recycling grants and consumer education. The Business Compliance Division will include the Environmental Results Program (ERP). DeGabriele explained that the existing advisory committees will be located within the Waste Program Planning Unit of the Planning Division. Bill Panos, manager of this unit, was introduced. Panos noted that he viewed solid waste and hazardous waste as a continuum and the overall goal, which is linked with toxic use reduction, is to minimize waste. He expressed interest in working with HWAC toward these goals.

Discussion:

Committee members raised several questions about the new arrangement and the continuing role of HWAC, which had been expressed in a draft letter from the Regs Review subcommittee to Commissioner Struhs sent with the agenda of this meeting. Lynn Rubinstein, who signed the letter for the subcommittee, said they feared HWAC would be ignored in the new arrangement and referenced the recent elimination of staff support for the Regs Review work. DeGabriele referred to a letter from John DeVillars, EPA Administrator, which highlighted the IBR (Incorporation by Reference) work of the Bureau as a very high priority for the next two years, and said that staff have to be shifted accordingly. The entire funding for Massachusetts under the new Performance Partnership Grant is at stake if the IBR commitments are not met. In response



to Dick Cahaly's question regarding whether any HWAC work would fall within the Business Compliance Division, he acknowledged that it was too early to determine but he hoped to find a balance.

Status reports:

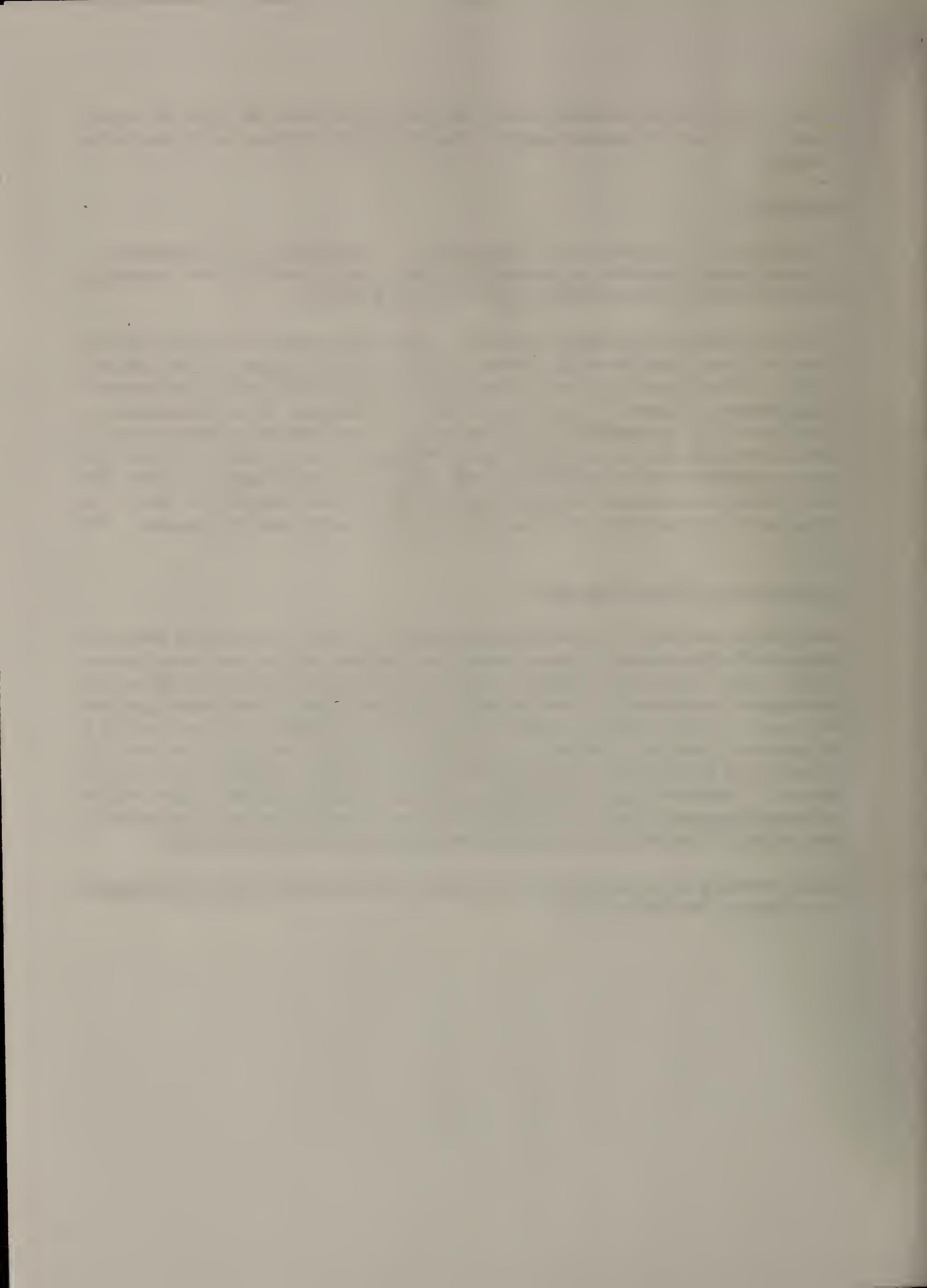
The Regs Review subcommittee is working on several sections, including 30 305 (destination vs. designated facility), waste-like vs. commodity-like, lab samples, definition of "site," crushing of fluorescent lamps. Their next meeting will be April 10 in Worcester.

Jim Miller reported on the Universal Waste Rule, which is now expected to go to public hearing at the end of May. Under the recent Governor's Executive Order the process has become more complex, with briefings of the Commissioner, EOEA, possible MEPA review, and review by Administration and Finance. There will be a 21 day comment period. Miller also described the work plan for recodification (IBR). The last authorization was in 1985 and there remain 150 rules to be approved by EPA. Some will have to be negotiated. A new consultant contract is in process, deliverables will be due December 1998, with final regs due in September, 1998. EPA wants satellite accumulation, Universal Waste and the TC rules submitted to them as an Authorization Application by July so that they can complete authorization by September, 1997.

Evaluation of the Printers Partnership:

Nancy Wrenn presented the results of the measurement of success of the 1996 compliance assistance effort for commercial printers, based on pre- and post- random inspections of printers. Taking a "score" from selected indicators of environmental business practices, those printers who participated in the partnership by submitting self-certification statements demonstrated significant improvement. The average score of those in the pre-assistance sample was 4.8 on a scale of 1-10. the score of those who certified was 6.8. Half of the 430 who certified had not previously interacted with the Department. Wrenn explained that Massachusetts appears to be first in the nation to try this methodology of quantifying results of a compliance assistance effort. Printers are being incorporated in the Environmental Results Program and regulations to incorporate the pilot standards of the Workbook are being drafted for promulgation by mid-summer.

The next meeting of the Committee will be determined after decisions regarding the transition to the Planning Division are made.



MASS. EA 24.3: 997/August

GOVERNMENT DOCUMENTS  
COLLECTION

AUG 22 1997

HWACalendar  
University of Massachusetts  
Depository Copy

August 20, 1997

MEETING NOTICE

Published by the Waste Program - Planning & Evaluation Unit  
for the

HAZARDOUS WASTE ADVISORY COMMITTEE  
for more information

call Paul Walsh (617-556-1011) or Ken Pelletier (617-292-5552)  
FAX (617) 292-5778

Tour Location: EPA, Inc. / 1A Foundry Street / Lowell, MA.  
(see attached directions / map)

Meeting Location: DEP - Wall Experimental Station (WES)  
37 Shattuck Street / Lawrence, MA  
Conference Room (see attached directions / map)

Lunch Location:  
(optional) Bishop's Restaurant  
99 Hampshire Street  
Lawrence, MA (see attached directions / map)

Notes: If you plan on joining us for lunch at Bishop's, please call Paul or Ken so we  
can give the restaurant a head count by 8/18/97.

All visitors to WES must check in with the reception desk (sign-in)

Schedule

9:30 AM	Tour of Electronic Processing Assoc., Inc. (EPA, Inc.)
11:00 AM	Tour of Wall Experimental Station - Laboratory Facility / Oscar Pancorbo
12:00 Noon	Lunch - with the group @ Bishop's or on your own
1:15 PM	Tour of Wall Experimental Station - Air Monitoring Section /

Over

2:00 PM HWAC Meeting

- Minutes 3/97 & 7/97
- CRT draft policy CRTs -HWAC position (HWAC Members see attached)
- Report from Paul & Ken - HWAC members
- Sub-committee reports

\*\*\*\*\*

Regs Subcommittee Meeting  
August 6 1:00-4:00 PM  
National Guard Armory, Worcester  
Contact: James Paterson [556-1096]

Transportaion Committee Meeting  
August 13 10-12 AM  
DEP, Boston 3rd floor Conf. Room  
Contact: Asha Shah [292-5576]

## **HWAC MINUTES**

**July 9, 1997**

Members present: Rubinstein, Shaines & Perry

Members absent: Adams (chair), Calahy, Lataille, Mascoop, Brown, Franklin & Cox

Others Present: Kwetz (BWP/DEP), Panos (BWP/DEP), DeGabriele (BWP/DEP), Cassel (EOEA), Walsh (BWP/DEP), Pelletier (BWP/DEP), Miller (BWP/DEP), Paterson (BWP/DEP), Shope (BWP/DEP), Doucett (BWP/DEP), Fischer (EOEA), Seagal (BWP/DEP), Burrill (Mabbet & Assoc.), Brengle (Mass Env. Mgmt.)

Note: Scott Cassel was inadvertently listed as representing OTA/EOEA on the last agenda. He is with Policy/EOEA (not OTA).

**Minutes from the March HWAC meeting** were not discussed or approved due to the lack of a quorum. This will be added to the August '97 meeting's agenda.

### **CRT - DEP Draft CRT Policy**

Lynn reported on the discussions at the last (7/3) regulations sub-committee meeting where the sub-committee voted to endorse (with comments) the DEP CRT draft policy. CRTs (TV's and computer monitors) have a high concentration of Pb in the glass and TCLP tests performed on them (crushed glass) to date failed for Pb. This result if accepted makes them regulated under RCRA as a hazardous waste. There are questions on the methodology used in the TCLP tests to date. It is the opinion of many that CRTs are not hazardous waste unless crushed or shredded.

Andrea Adams at the sub-committee meeting stated that Cape Cod Planning Commission (CCPC) supports the DEP draft policy on CRTs and does not support a landfill ban. Because of the confusion with the current "verbal" policy they have held off on a planned pilot recycling program for CRTs.

The sub-committee would like to see more CRTs recycled and feel that the evidence to date has shown no relationship with CRT disposal and Pb in leachate from MSW landfills or Pb causing bottom ash (from Waste to Energy [WtE] plants) to fail TCLP. WtE plants make attempts to pull them out of the waste streams prior to incineration. The committee felt they posed "No Risk therefore No Threat".

The sub-committee invited Scott Cassel (Waste Policy Dir. / EOEA) to come and speak with the whole committee on CRT management. He discussed the issue of determination of whether CRTs are a hazardous waste by TCLP determination or by knowledge that an item would not fail the TCLP test (ie. knowledge = MSDS's).

Ty Perry stated that business and industry have a strong interest due to CERCLA and the associated long term liability. He felt large businesses therefore had an incentive to treat CRTs as hazardous waste (in the interim); that small businesses may not and that government & educational institutions were lagging behind big business.

Scott said that one thing EOEA is trying to determine is what other states are doing (especially in the NorthEast) with respect to their determining the status of CRT's as a hazardous waste and/or under the universal waste category. He also expressed concerns with respect to the STEP program and the interstate handling/transportation of CRTs once they are considered waste. He stated EOEA is trying to determine the best way(s) to increase recycling of CRT's. They do not have a good handle of current activities in order to establish a baseline or to assist in setting goals (to reduce risks). One thought in regulating CRTs as a hazardous waste vs. a recycled material is that the additional costs associated if it is handled as hazardous waste would provide incentive to recycle.

Ty stated the costs associated with handling CRTs as either hazardous waste, recycled material, etc. will drive the market. He stated that DEP needs to check in with the current recycling market and he stated that one problem with the current system is that the Policy is a "verbal" policy which requires the regulated community to be dependent on and trust those implementing the policy.

Scott described several options being examined to deal with CRTs:

- A. Manage as a solid waste but add it to the list of Landfill/WtE banned items
- B. Regulate as a HW unless recycled
- C. Regulate as HW under the Universal Waste Rule (NJ)
- D. Handle as solid waste and handle as a Regulated Recycled Material (RRM)
- E. Manage as solid waste but incorporate it into the Municipal Recycling Incentive Program (MRI)
- F. Manage it as a solid waste unless intentionally crushed

Al Shaines questioned the value of a Policy without regulations ("verbal" policy on CRT's) and if they ("verbal" policies) were worth a lot.

Steve DeGabriele of BWP/DEP stated the proposed policy will be discussed further with EOEA as part of the policy development process. The Policy must address all parties involved { business, (small & large), municipalities, institutions and the general public}. Lynn reemphasized that the Pb is not releasing into the environment.

Next step is for EOEA to host a roundtable to bring representatives from all concerned parties to the table to discuss: What's going on now? Are the "big loads" of CRT's being recycled or dumped (trailer loads of CRT's). Currently, what are the incentives and barriers to increase recycling?

Next HWAC meeting - HWAC should take a position on DEP's Draft Policy. HWAC intends to serve /participate on the CRT roundtable.

**UPDATE -from Jim Patterson on the Universal Waste Rule:**

Six hearings were held in June (low attendance). Comment period closed 7/1/97. Seven parties submitted written comments (including EPA).

Federal Battery Act preempts state only Universal Waste Rule requirements for the collection, storage and transportation of batteries. The two are not identical. EPA's new rules due in the fall may clarify issues. MADEP will need to modify regs. as per EPA. One area of contention is the removal of electrolytes from lead acid batteries. This is currently considered treatment. There is a question if we modify the regs. to comply to the Federal Battery Act whether they will then be in conflict with the hazardous waste statute.

Other questions include: Will EPA's new rules cause confusion - Who enforces? (EPA vs. DEP) How will it affect existing programs?

**Barbara Kwetz - DEP/BWP/Waste Programs - Planning & Evaluations:**

Barbara gave an overview of the Performance Partnership Agreement (with EPA) with emphasis on its application to the Bureau of Waste Prevention (see attached handout). In preparation / negotiation of the Agreement emphasis was placed on efforts to move up the ladder from a program that strictly counts beans to a program that sets goals and is evaluated based on measuring predetermined environmental indicators for each goal.

**Committee Housekeeping:**

The committee asked the BWP facilitators (Paul & Ken) for HWAC to contact those members with poor attendance to determine their interest in staying involved; to contact those groups who under the statute have slots that are unfilled to determine if they have an individual to nominate at this time and to report back to the committee on these efforts at the next meeting.

**August HWAC Meeting:**

The next meeting (annual field trip) is scheduled for August 20th. Details are still being worked out and an announcement with all the particulars will be sent out with the minutes.



NOV 13 1997

University of Massachusetts  
Depository Copy

## HWACalendar

October 22, 1997

### MEETING NOTICE

Published by the Waste Program Planning Unit  
for the HAZARDOUS WASTE ADVISORY COMMITTEE  
for more information

call Paul Walsh (617-556-1011) or Ken Pelletier (617-292-5552)

-----  
**Location of Meeting:** Third Floor Conference Room, One Winter Street, Boston

**Note:** All visitors must now come up the escalator to the second floor reception desk.

9:30: Minutes of the August 20, 1997 meeting (mailed with the last notice)

9:45: Status reports:

Regulations sub-committee: Ty Perry  
Steering sub-committee: Andrea Adams

10:15: Direction of HWAC:

- HWAC agenda( has it changed?)
- Membership
- Relationship with DEP
- Role of sub-committees

11:15: Hank Southworth: Director of Consumer and Transportation Division:  
presentation of roles and responsibilities of new division

12:00: Adjourn

\*\*\*\*\*  
Regs Subcommittee Meeting  
October 24 1:00-4:30 PM  
National Guard Armory, Worcester  
Contact: James Paterson [556-1096]

Transportaion Subcommittee Meeting  
December 10 10-12 AM  
DEP, Boston 3rd floor Conf. Room  
Contact: Asha Shah [292-5576]



MINUTES-HAZARDOUS WASTE ADVISORY COMMITTEE  
ANNUAL FACILITY TOUR  
AUGUST 20, 1997

Advisory Members Present: Andrea Adams, Richard Cahaly, Geoff Brown

DEP: Paul Walsh, Ken Pelletier and William Panos

**Annual Facility Tour:**

1. Tour of Electronic Processing Associates (EPA) in Lowell, Mass.

John Maher, the president of the Company gave a brief introduction to the facility. EPA Lowell is one of two recycling plants owned by the same company. The other is located in Rahway New Jersey. Both of these plants specialize in the manufacture of Cathode Ray Tubes (CRTs) plastic components and electronic circuit boards. He was particularly proud of a municipal program in New Jersey in which CRT are picked up from curbsides on a regular basis.

EPA has a class A recycling permit. He described the location and type of lead in the CRT's and the percentage of lead in CRT's. There is approximately one pound of lead in the average desk top CRT. The percentages increase incrementally with the size of the tube. He stated that approximately 170 tons of lead per month were diverted from the waste stream.

Mr. Maher took us on a tour of the plant. The following information was noted:

- Much of the equipment is resold or sent through used equipment brokers.
- The process requires little technical training and very little capital investment.
- It is a low margin business dependent on small overhead and the use of part time workers.
- They are shifting away from crushing tubes on site to collecting large volumes and shipping them to processors.

**Tour of Wall Experimental Station:** Oscar Pancorbo, the Director of the Division of Environmental Analysis, and the station manager, gave us an introduction and a brief history of the station.

The station was founded by MIT in the late nineteenth century to investigate the causes of typhoid fever related to fecal matter in the state's rivers. In the 1940's, the station became part of



the state's public health Department.

Mr Pancorbo described the following functions of the station.

- The station certifies private and public testing laboratories---assuring accurate testing. Mr. Pancorbo mentioned the discovery of two laboratory facilities who were found to be testing inaccurately and reporting erroneous results.
- Routine testing of samples from DEP and other state environmental agencies for compliance and enforcement.
- Development of methodologies for testing.
- Cyanide testing
- The station has devised a system in which pollutants can be held for 24 to 72 hours after collection and prior to testing as opposed to previous technology which limited holding time to six to eight hours in order to obtain accurate results.
- The station evaluates the relationship between the development of viral bacterial pollutants and the distance from septic systems. (source)
- A primary responsibility of the station is to support the Department Strike Force in the enforcement of regulations. (testing of samples as evidence for litigation.)
- Mercury testing for the state's rivers.

He mentioned two new computer systems:

- Lab Information Management System (LIMS) Allows regional staff to more efficiently schedule samples.
- Comparison Strategic Environmental Monitoring (CSEM) A system to calibrate pollutant changes in rivers. One major project is a study of the states rivers supply before and after the IW standards.

**Air Monitoring section:** In the afternoon, Thomas McGrath, environmental analyst gave a brief summary and tour of the station's air monitoring facility. The following are the main points of his discussion.

- There are 38 monitoring stations in the state measuring five major pollutants: carbon dioxide, sulphur dioxide, nitrogen, ozone and lead.
- In addition to the major pollutants, there are 56



additional pollutants being monitored at selected locations.

- The Wall Experimental Station is a control center for the monitoring and analysis of air monitoring in Massachusetts.

#### Hazardous Waste Advisory Committee Meeting

The Board conducted a brief meeting after the tours were completed.

Present: Andrea Adams, Richard Cahaly, Geoff Brown

**CRT Draft Policy:** It was the consensus of the members present and other members, who had been contacted at the regulations subcommittee and by phone, that the board supports the DEP draft policy on CRTs.

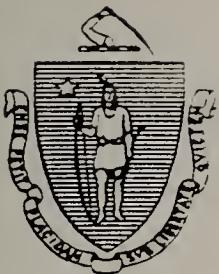
**Next Meeting:** The Board discussed the following agenda for the next HWAC meeting.

- Hank Southworth, Director of Consumer and Transportation Division: Presentation on roles and responsibilities of the new division.

It was agreed that an hour would be reserved to discuss the direction of HWAC.

- The Board's agenda
- Relationship with DEP
- Role of sub-committees
- Membership





COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON MA 02108 (617) 292-5500

ARGEO PAUL CELLUCCI  
Governor

TRUDY COXE  
Secretary

DAVID B. STRUHS  
Commissioner

September 17, 1997

Dear Colleague:

As you will see from the enclosed announcement, the Bureau of Waste Prevention (BWP) within the Massachusetts Department of Environmental Protection has recently been realigned to address a myriad of new issues arising in the environmental arena, including multi-media regulation of facilities, pollution prevention at the source rather than the end of the pipe, and a focus on the environmental behavior of the general public and small businesses.

We encourage you to share this information with your associates and constituents. Should you have questions about the new BWP, please feel free to call us at (617) 292-5953.

Thank you for your past efforts on behalf of environmental protection. Everyone in the new BWP looks forward to building on our successful relationship as, together, we meet the environmental challenges of the 21st century.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl F. Dierker".  
Carl F. Dierker  
Assistant Commissioner

Enclosure:

The New Bureau of Waste Prevention



THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ANNOUNCES

THE NEW BUREAU OF WASTE PREVENTION

Earlier this year, the Boston office of DEP's Bureau of Waste Prevention -- which, since its creation in 1988, had been divided into "media" divisions responsible for air quality, hazardous materials (encompassing hazardous waste management, industrial wastewater and toxics use reduction), and solid waste management -- was reorganized to reflect the future of environmental protection. To ensure more effective and efficient delivery of services and technical assistance to those DEP regulates and serves, BWP now consists of:

**Business Compliance Division.** Integrating the agency's air, water and waste compliance programs, this division is responsible for ensuring that Massachusetts companies operate in a manner that is protective of the environment and public health by setting regulatory standards, issuing permits, providing compliance assistance, verifying certifications, inspecting facilities, initiating enforcement actions when violations are found and auditing the environmental performance of whole industry sectors.

**Consumer and Transportation Division.** This division encompasses programs affecting consumers, their waste habits, the products they use and the cars they drive, including Massachusetts Emissions Check-up (enhanced motor vehicle inspection and maintenance); clean car/clean fuel initiatives; transportation management measures such as ride-sharing, parking freezes and promotion of mass transit; recycling, composting and hazardous household product collections; and reformulation of consumer products.

**Planning and Evaluation Division.** This division is responsible for developing long-term strategies for environmental improvement, such as the State Implementation Plan for air quality and the Solid Waste Master Plan; collects and analyzes data from regulated facilities as well as measures both environmental and marketplace indicators to evaluate the effectiveness of BWP initiatives and programs; and continuously strives for innovation and improvement in regulation and service delivery.

As state relationships with the U.S. Environmental Protection Agency (EPA) evolve into a "Performance Partnership", these organizational changes position DEP to more accurately measure both its effectiveness in administering federally-funded programs and the environmental results those programs achieve. As its name implies, BWP will continue integrating pollution prevention strategies into its work with businesses and consumers, and will continue collaborating with EPA, the Office of Technical Assistance for Toxics Use Reduction at the Executive Office of Environmental Affairs, and other agencies to build a cleaner, healthier and more competitive Massachusetts.

\*\*\*\*\*



# THE NEW BUREAU OF WASTE PREVENTION

July 1997

Carl Dierker, Assistant Commissioner  
Doug Fine, Deputy Assistant Commissioner

## I. Planning and Evaluation Division

*Barbara Kwetz, Director*

The Division is responsible for long range planning for the traditional air, water, and waste programs, while moving toward an integrated Bureau-wide approach to pollution prevention planning and evaluation, based on shared and integrated environment, engineering and program data, which will be accessible to all.

### A. Air Program Planning Unit

*Nancy Seidman, Deputy Director*

1. Air Assessment Branch is based in Lawrence. *Don Steele, Chief*  
(responsible for designing, maintaining and operating all ambient air quality networks)

2. Air Planning Branch *Leah Weiss, Chief*  
(responsible for working across all Divisions to design and plan for attaining air quality public health standards)

### B. Waste Programs Planning Unit

*Bill Panos, Deputy Director*

1. Pollution Prevention Branch *Cynthia Chaves, Chief*  
(responsible for managing the Toxics Use Reduction Program and providing leadership to the Bureau's pollution prevention programs.)

2. Waste Planning and Evaluation Services Branch *TBA*  
(responsible for the design and planning of the Bureau's waste programs)

### C. Systems Integration and Data Analysis Unit

*Sue Willis, Deputy Director*

1. Data Systems Branch *TBA*  
(responsible for coordinating BWP's work on a variety of information systems)

2. Reporting and Analysis Branch *Jim Neely, Chief*  
(responsible for ensuring that the Bureau is collecting and maintaining data of high and consistent quality, and for developing information for planning and evaluation)

## II. Business Compliance Division

*Steve DeGabriele, Director*

The Division's mission is to ensure all businesses operate in a manner which protects the environment and human health. Tools (e.g. certifications, permits, assessments, enforcement, and outreach) will be used selectively to achieve desired outcomes. Goals include holistic, multimedia approaches, greater involvement with DEP regional staff, customer orientation, efficiency and effectiveness, while maintaining and enhancing program expertise.

### Special Projects

*Bob Donaldson, Associate Director*

**A. Regulatory Standards Unit***Jamie Doucett, Deputy Director*

1. Air Branch
2. Waste Branch
3. Water Branch

*Don Squires, Chief**Jim Miller, Chief**John Reinhardt, Chief***B. Enforcement and Audits Unit***Kim Kreiton, Deputy Director*

1. Enforcement Support Branch

*Rich Gioiosa, Chief*

(responsible for inter-intra-agency enforcement coordination. development of enforcement strategies. training. resolution of enforcement data management issues)

2. Compliance Assessment Branch

*Jeff Chormann, Chief*

(responsible for supporting the Bureau's land and water-related planning. enforcement. and permitting activities with hydrogeologic assessments. facility closures. contaminated soil management. monitoring of hazardous waste transporters. and technical support to the Environmental Results Program)

**III. Consumer and Transportation Division***Hank Southworth, Director*

Future environmental gains from changes in public behavior depend upon the Department's ability to educate and influence. not solely on control through traditional enforcement efforts. The mission of this division is to promote environmental citizenship so that each resident realizes the part that each can play in creating clean air. water and land

**A. Transportation Programs Unit***Fred Civian, Deputy Director*

1. Inspection and Maintenance Program Branch

*TBA*

(Focus is to promote better maintenance and more effective repairs of vehicles.)

2. Technology. Fuels and Standards Branch

*Bert Cox, Chief*

(Focus is to promote use of alternative fuels and vehicles.)

3. Transportation Management Program Branch

*Christine Kirby, Chief*

(Focus is to influence businesses. individuals and other agencies to encourage the use of alternative modes of transportation to the single occupancy vehicle.)

**B. Consumer Programs Unit***Robin Ingenthron, Deputy Director*

1. Recycling Programs Branch

*Brooke Nash, Chief*

(Focus is to increase the solid waste recycling rate and maintain a sustainable collection. manufacturing and procurement infrastructure.)

2. Environmentally Preferred Products Branch

*TBA*

(Focus is to increase demand for recycled content and other environmentally preferable consumer products.)

**C. Education and Communication Unit***Greg Cooper, Deputy Director*

The mission of the unit is to assist the Bureau in formulating effective communication plans. particularly targeted to the consumer. and improve internal communications through information gathering and planning and development of materials.

#### **IV. Program Support Division**

*William Kacher, Director*

This Division is responsible for providing administrative and financial support services to the Bureau, including contract management, federal grants, and processing of asbestos notifications and hazardous waste manifests.

##### **A. Fiscal Management Unit**

*Jack Flynn, Deputy Director*

This unit provides financial support, which includes processing purchase orders, vouchers, tracking grant payments, staff travel reimbursements, contract management, and procurement.

##### **B. Program Support**

*Deborah Ross, Coordinator*

This unit supports the Bureau on personnel actions, word processing, and processing of asbestos notifications and hazardous waste manifests.

##### **C. Federal grants**

*John O'Brien*

\*\*\*\*\*

#### **BWP Telephone Directory (Boston Office, Area Code 617)**

Assistant Commissioner's office	292-5953
Main Fax Number for BWP	292-5778
Business Compliance Division	292-5588
Enforcement and Audits Unit	292-5947
Regulatory Standards Unit	292-5868
Consumer and Transportation Division	292-5647
Transportation Unit	292-5821
Consumer Programs Unit	292-5962
Education and Communications Unit	292-5988
Planning and Evaluation Division	292-5593
Air Program Planning Unit	556-1020
Waste Programs Planning Unit	574-6820
Systems Integration and Data Analysis Unit	292-5572
Program Support Division	556-1131
Hotlines (taped message):	
Air Quality (ozone)	1-800-882-1497
Hazardous Waste Compliance Assistance	292-5898
Household Hazardous Products	1-800-343-3420
Used Oil	556-1022

For help in finding the right person to talk with, call the BWP Education and Communication service at (617) 574-6844.

**Assistant  
Commissioner**  
**C. Dicker**

Deputy  
Assistant  
Commissioner  
**D. Fine**

Program  
Support  
**W. Kachet**

Planning &  
Evaluation

**H. Kwez**

**Business  
Compliance**  
**S. DeGobbi**

Associate Director  
**K. Donaldson**

Education &  
Communication  
**G. Coyle**

Consumer &  
Transportation  
**H. Southworth**

Transportation  
Programs  
**F. Civitan**

Consumer  
Programs  
**R. Ingallion**

Air Program  
Planning  
**N. Sudinman**

Regulatory  
Standards &  
Outreach  
**J. Dowell**

Enforcement &  
Audits  
**K. Kerton**

Compliance  
Assessment  
**J. Chouman**

Air  
**D. Squires**

Waste  
**J. Miller**

Water  
**J. Reinhardt**

Enforcement  
Support  
**K. Giurussi**

Assessment  
U. Sacks

Planning &  
Evaluation  
**I. Weiss**

TURB &  
Waste  
Prevention  
**C. Hayes  
(Acting)**

Planning &  
Evaluation  
**TBA**

Systems  
Integration &  
Data Analysis  
**S. Wilho**

Reporting &  
Analysis  
**J. Nick**

Vehicle  
Programs  
**G. Cox**

Enhanced  
I & M  
**TBA**

Transport  
Management  
**C. Kubo**

Recycling  
**B. Nash**

Env. Pref.  
Products  
**J. Lusk (On  
Leave)**

MASS. EA 24.3: 997/12

GOVERNMENT DOCUMENTS  
COLLECTION

FEB 27 1998

University of Massachusetts  
Depository Copy

## HWACalendar

December 17, 1997

MEETING NOTICE  
Minutes Enclosed

Published by the Waste Program Planning Unit  
for the HAZARDOUS WASTE ADVISORY COMMITTEE  
for more information

call Paul Walsh (617-556-1011) or Ken Pelletier (617-292-5552)

Location of Meeting: Fifth Floor Conference Room, One Winter Street, Boston

Note: All visitors must now come up the escalator to the second floor reception desk.

9:30: Minutes of the October 22, 1997 meeting (mailed with the last notice)

9:45: Robert Cox: Changes to HWAC Rules of Procedure

10:00: Jim Miller: Status report concerning Committee Recommendations

10:30: Albert Nardone: Discussion of Hazardous Waste Transporter "Subcommittee"

11:00: Ty Perry: Steering Committee recommendations concerning new areas of possible HWAC interest

11:30: Andrea Adams: Regs Sub-Committee Report:

- Commodity-Like/Waste Letter
- Checklist #1

\*\*\*\*\*  
Regs Subcommittee Meeting  
December 22 1:00-4:30 PM  
National Guard Armory, Worcester  
Contact: James Paterson [556-1096]

\*\*\*\*\*  
Transportation Subcommittee Meeting  
February 11 10-12 AM  
DEP, Boston 4th floor Conf. Room  
Contact: Asha Shah [292-5576]



## **HWAC MINUTES**

**October 15, 1997**

Members present: Rubinstein, Shaines, Cox, Brown, Lataille, Stewart (nominee) & Perry

Members absent: Adams, Calahy, Mascoop & Franklin

Others Present: Panos (BWP/DEP), Walsh (BWP/DEP), Pelletier (BWP/DEP) & Brengle (Mass Env. Mgmt.)

### **Minutes from the July & August**

Minutes from the July & August HWAC meetings were approved.

### **Sub-Committee Reports:**

Ty Perry reported to the committee on the discussions of the Regulations Sub-committee's September meeting. There was a brief presentation by Goodwin/DEP on the status of the UWR followed by a short discussion. Goodwin stated that the final Rule would be promulgated soon.

Continued its discussion on the Checklist (#1) [Definitions].

In Andrea's absence Ty reported on the discussions of the Steering Committee September meeting. Discussions focused around the role of HWAC with respect to the reorganized BWP (This was a follow-up to discussions at HWAC's August Meeting).

The Steering Committee asked Lynn Rubinstein to contact members who had not been attending regularly over the past year.

### **Direction of HWAC:**

A free flowing discussion (led by Perry & Rubinstein) between committee members and BWP/DEP staff on the status of HWAC; its current work and future role(s) generated several questions

Pelletier/Walsh updated the committee on their efforts to both resolve problems/questions associated with nominations in progress. Pelletier/Walsh will be meeting with DEP/Legal staff to determine the process to deal with a conflict of interest question and report back to the

the committee. They are also working with staff at the DEP Commissioner's office and at EOEA to resolve the remaining nominations in limbo. A second letter is going out to the groups (nominees by statute or historical nominees as citizen appointees) that have no committee members or appointees. They reported responses from two groups to date. Kate Stewart (present) has been nominated by the MA league of Women Voters [Pelletier is working with them to have all paper work needed for appointment filed]. The MA Audubon responded that they had no one at this time to nominate and that if a similar group had a nominee they would encourage us to solicit a member from such group. Stewart stated that she was also affiliated with the Audubon Society and would speak with them about a member (of the MA Audubon Society) that may be interested in representing them on HWAC. She will get back to DEP staff on this after speaking with representatives of MA Audubon.

At this point the MA Municipal Assoc., the MA Mayor's Assoc. and the MA Public Health Association do not have appointees or committee members. The MA Public Health Assoc. has advertised to its members (newsletter) to solicit interest.

Pelletier/Walsh pointed out several areas in the Committee's Rules of Procedure that needed to be updated to coordinate with BWP's reorganization. Cox stated that he had the original document on his computer and would create a marked up & updated copy for discussion and approval at the next meeting. Pelletier will send Cox a copy of the needed changes and a marked up copy with proposed changes will be included in the next mailing (vote at December meeting).

Pelletier/Walsh asked the Committee what their opinions were on the relationship between HWAC and the Transporter's Committee [separate or a sub-committee of HWAC]. Several members discussed their recollections with respect to the relationship between the two groups and the statutory requirements under the Act. Walsh discussed issues that had been brought up at their most recent meeting. Pelletier pointed out that if the Transporter's Committee is or should be a Sub-Committee of HWAC then HWAC needed to appoint at least one of the HWAC members to serve on the sub-committee and approve the chairperson (as per the Rules of Procedure). The Committee requested that we have the current chairperson of the Transporter's Sub-Committee and the DEP staff person working with them at HWAC's next meeting (12/97).

Several members asked the status of the various recommendations HWAC has made to DEP over the past few years. Perry requested that we have Miller/BWP at the next meeting (12/97) to discuss this matter including: recommendations adopted; recommendations awaiting action and recommendations rejected/sent back for additional work. Pelletier/Walsh to coordinate this and to produce a summary after receiving the report from Miller/BWP

Committee members and DEP staff discussed the involvement of HWAC in issues that crossed two or media programs. Perry proposed that an existing or new sub-committee be assigned the task of working with BWP staff to initially compile a list of issues and then to have BWP staff brief HWAC at their monthly meetings of upcoming issues. Brown stated that he felt this was the role of the Steering Committee and after several minutes of discussion the Committee directed the Steering Committee to work with BWP staff on this issue. Perry to coordinate with Walsh & Pelletier.

**Hank Southworth- Director Consumer & Transportation Division:**

Hank discussed the Division of Consumer & Transportation division as set up under the recent BWP reorganization. He went over the Units within the Division pointing out the key staff contacts and the responsibilities of each Unit. A discussion followed on the areas of concern to HWAC and issues/projects that will be coming before the Consumer & Transportation Division over the next year.

**Meeting Adjourned at 12 Noon**



MASS. EA 24.3: 998/2

HWA Calendar

GOVERNMENT DOCUMENTS  
COLLECTION

FEB 23 1998

February 18, 1998

MEETING NOTICE

University of Massachusetts  
Depository Copy

Published by the Waste Program Planning Unit  
for the HAZARDOUS WASTE ADVISORY COMMITTEE  
for more information

call Paul Walsh (617-556-1011) or Ken Pelletier (617-292-5552)

Date: February 18, 1998 from 9:30 to 12:00

Location of Meeting: Fifth Floor Conference Room, One Winter Street, Boston

Note: All visitors must now come up the escalator to the second floor reception desk.

9:30: Minutes of the December 17, 1997 meeting (mailed with the last notice)

9:45: Status Report: Regs Review Subcommittee-Andrea Adams

10:15: Status Report: Steering Committee: Recommendations concerning new areas of HWAC interest-Ty Perry

10:45: Checklist #1: Vote on Recommendations--Andrea Adams

11:15: IW ERP Regs---Possible HWAC interest--John Reinhardt, DEP

\*\*\*\*\*  
Regs Subcommittee Meetings

February 25 & March 18 1:00-4:30 PM

National Guard Armory, Worcester

Contact: James Paterson [556-1096]

\*\*\*\*\*  
Transportation Subcommittee Meeting

February 11 10-12 AM

DEP, Boston 4th floor Conf. Room

Contact: Asha Shah [292-5576]



## HWAC Minutes

December 17, 1997

Members present: Andrea Adams, Dick Cahaly, Lynn Rubinstein, Ethan Mascoop, Al Shaines

Members Absent: Robert Cox, Leon Lataille, Geoffrey Brown, Ty Perry, Kirk Franklin, Kate Stewart.

Others Present: Panos (BWP/DEP), Walsh (BWP/DEP), Pelletier (BWP/DEP) Miller (BWP/DEP), Davey (Phoenix Environmental), Nardone (BWP/DEP), Shah (BWP/DEP) Brengle (MEMR)

### Minutes from October:

Minutes from October HWAC meeting approved.

### Changes to HWAC Rules of Procedure:

An amended HWAC Rules of Procedure to reflect BWP's new organizational structure was presented. The HWAC approved these changes.

### Regulation Review Subcommittee Recommendations:

Lynn Rubinstein introduced a letter to Bill Panos, Deputy Director of Planning and Evaluation at DEP, requesting a response to recommendations developed by the HWAC Regulations Review Subcommittee. Summaries were attached under the headings of First Regulations Review Subcommittee which met from October, 1992 to October, 1994 and the Regulations Review Subcommittee II which has met from December, 1995 to the present.

Jim Miller then reviewed each of the pending issues with the committee to clarify any discrepancies. He agreed to respond to all pending issues by April 1, 1998. (attached please find a copy of the above referenced letter and the summary of issues.)

The letter to Bill Panos dated December 17, 1997 (see enclosed) was submitted to the Committee, approved and delivered to Bill Panos.

### HWAC Endorsement of CRT Policy:

The Department CRT policy exempts CRTs from being handled as hazardous waste. It also bars CRTs from solid waste landfills and waste energy facilities. (Incinerators). The ban won't go into affect for one year in order that sufficient outreach occur.

Lynn Rubinstein moved and the Committee approved the HWAC endorsement of the Department's CRT policy.



**Hazardous Waste Transporter Subcommittee:**

Al Nardone gave a brief history of the HW Transporter Subcommittee. It originated in 1985 as a sub-committee of the Superfund Advisory Committee. Its purpose was advise the main committee on the establishment of transporter fees. After this mission had been accomplished, the HWAC committee either inherited it or formed a new sub-committee with the same name. Its purpose evolved into an outreach function; informing transporters of changes in DEP policies and regulations. Gradually, it attained a separate identity from the Hazardous Waste Advisory Committee.

It was agreed that the connection between the HWAC and HW Transporter sub-committee should be retained. The HWAC Rules of Procedure mandate that subcommittees require that at least one member of HWAC serve on all subcommittees and that a chairperson of each subcommittee be appointed by HWAC. Following a motion by Lynn Rubinstein the HWAC endorsed John Davey as a member of HWAC. The committee also approved his appointment as chairperson of the HW Transporter Subcommittee.

John will be required to submit a letter requesting membership along with a resume. The Transporter Sub-Committee will also submit a letter recommending John to the HWAC.

**Steering Committee Recommendations-New Areas of HWAC interest:**

This issue will be tabled until the next meeting.

**Commodity-like/ Waste-like Letter:**

On behalf of the Regulations Review subcommittee, Andrea Adams offered a draft letter written by Ty Perry to the Department which outlined recommendations of the committee for adoption of a standard methodology by which the Department would assess whether a material was a waste or whether it is a commodity-like material. With some minor clarifications suggested by the members, the HWAC accepted the letter as written.

**Checklist #1:**

Andrea Adams distributed copies of the Checklist #1 ( Definitions) of the Incorporation by Reference Project. Andrea explained the matrix and reviewed the recommendations of the Regulations Sub-committee. A vote is scheduled for the next HWAC meeting.

**Next Meeting scheduled for Feb 18 at DEP****Meeting adjourned at 12 PM**



Regulations Review Subcommittee  
Hazardous Waste Advisory Committee  
c/o Lynn Rubinstein  
42 North Hill Drive  
Conway, MA 01341

December 17, 1997

Bill Panos  
Deputy Director  
Planning and Evaluation  
DEP  
One Winter Street  
Boston, MA 01208

Dear Bill,

I am writing on behalf of the Regulations Review Subcommittee of the Hazardous Waste Advisory Committee. As you can see from the attached summaries of work completed by the First and Second Regulations Review Subcommittees, we have accomplished a great deal to enhance the 21C program for the DEP, the environment, and the regulated community.

This effort has lasted for a total of four years and is still very much in progress. As the Subcommittee reviewed its work to date we noted that there are many important areas in which we have had neither a response nor action from DEP. We would like to highlight these recommendations and ask for your cooperation in providing us with responses in the very near future: certainly no later than April 1, 1998.

In summary, the topics awaiting DEP response or action are recommendations within the topics of:

*First Subcommittee*

Transporter Standards  
Treatability Studies  
Licensing Standards  
Facility Standards.

*Second Subcommittee*

Commodity-like/Waste-like  
Contingency Plans

On-site Treatment - Industrial wastewaters which are not hard-piped to sewer

On-site Treatment - Industrial wastewaters that are hazardous waste

On-site Treatment - Industrial wastewaters and "zero discharge" units

Reintroduction of Regulated Recyclable Materials Back into the Recycling System

Compaction of Shop Rags and Filter Materials

Definition of Closed Containers

Checklist #1 Definitions.

Two of the headings listed above, Contingency Plans and Checklist #1 Definitions, we understand are part of the "IBR" process and naturally have not come to fruition. The headings under the First Subcommittee, however, have been pending a response from DEP since at least 1994. These responses, in particular, need to be provided with due haste.

Thank you. Naturally, if you have any questions or need additional information, please give me a call.

Sincerely,

Lynn Rubinstein  
Co-chair Regulations Review Subcommittee

enclosure

Regulations Review Subcommittee II  
From December, 1995 to the present

Summary of Completed Work as of December 5, 1997

The codes below appear in the left margin:

MW = More work to be done by the Subcommittee

P = Pending a response from the DEP

A = Adopted by the DEP

OBE = Overcome by events; issue resolved

P 1. Commodity-like/Waste-like

Subcommittee Work and Recommendation: The DEP should seek authority from EPA to allow companies to conduct multi-site recycling.

DEP Response: The DEP has not yet approached the EPA for authority. DEP will not pursue an XL project.

Followup: Subcommittee discussed the topic again as commodity-like/waste-like because DEP chose not to pursue an XL project.

Current Status: Subcommittee has developed a new approach which better defines commodity-like/waste-like, will provide an avenue for companies to pursue multi-site recycling and will clarify other alternatives to hazardous waste disposal.

Subcommittee will present the new approach to DEP at upcoming meetings.

MW 2. Multi-site Recycling

Subcommittee Work and Recommendation: The DEP should seek authority from EPA to allow companies to conduct multi-site recycling (described in a 5/15/96 letter from HWAC to the DEP).

DEP Response: The DEP has not yet approached the EPA for authority. DEP will not pursue an XL project.

Followup: Subcommittee discussed the topic again as commodity-like/waste-like because DEP chose not to pursue an XL project.

Current Status: Subcommittee has developed a new approach to multi-site recycling based on commodity-like/waste-like. Multi-site recycling will be discussed further pending the outcome discussions on commodity-like/waste-like.

A 2. Universal Waste Rule

Subcommittee Work and Recommendation: The Subcommittee worked closely with the DEP and a consultant to provide substantial input in development of the Rule. Made specific recommendations on management of cathode ray tubes (CRTs) outside of the Universal Waste Rule.

HWAC: Subcommittee recommendations were endorsed by HWAC and sent to DEP in 1/30/97 letter.

DEP Response: Implemented HWAC's recommendations on the Rule and CRTs.

Current Status: Universal Waste Rule adopted and CRT policy drafted in 1997.

### P 3. Contingency Plans

Subcommittee Work and Recommendation: The Subcommittee worked closely with DEP and a consultant to provide substantial input on contingency plan regulations. Made specific recommendations on where the DEP should adopt the federal code, OSHA regulations or definitions from the MA Contingency Plan (21-E program).

HWAC: Subcommittee recommendations were endorsed by HWAC and sent to DEP in 4/23/96 letter.

Current Status: Recommendations are still under review by the DEP as part of ongoing Incorporation by Reference/verbatim adoption work.

### MW and P 4. Onsite Treatment: a.) Industrial wastewaters which are not hard-piped to sewer

Subcommittee Work and Recommendation: Discussion point--Is industrial wastewater which is not hard-piped to a sewer a hazardous waste? Subcommittee drafted a letter to the DEP (8/7/97) seeking guidance.

DEP Response: No written clarification has yet been provided.

Followup: Previous written guidance is available from the EPA.

Current Status: Subcommittee intends to reframe the issue based on previous EPA guidance and seek further clarification from DEP.

### MW and P 4. Onsite Treatment: b.) Industrial wastewaters that are hazardous waste--can they be re-introduced to a properly functioning pretreatment process if they have been released to an overfill dike or containment system?

Subcommittee Work and Recommendation: Discussion point--Is the material once released, a hazardous waste? Can it be re-introduced to the pretreatment process without violating a permit? Subcommittee drafted a letter to DEP (8/7/97) seeking guidance.

DEP Response: No written clarification has yet been provided.

Followup: The EPA has not taken a position on this issue.

Current Status: Subcommittee intends to reframe the issue and seek further clarification from DEP.

### P 4. Onsite Treatment: c.) Industrial wastewaters and "zero discharge" units

Subcommittee Work and Recommendation: Complex interplay of hazardous waste and industrial wastewater regulations. Hazardous waste wastewaters can generally be discharged with a treatment permit. The discharge of industrial wastewaters requires a permit and a plan approval. There is an exemption in the hazardous waste regulations that allows "adequately regulated discharges." This means companies can use industrial wastewater discharge permits as "the permit" which the hazardous waste program requires for the same discharge. However, the "catch" is that there MUST be a discharge for a company to use its industrial wastewater

permit and qualify for the "already regulated discharge" exemption in the hazardous waste program. A regulatory hurdle comes into play as companies eliminate their discharges of industrial wastewaters. Subcommittee drafted a letter to DEP (5/16/96) seeking guidance.

DEP Response: The DEP hazardous waste program staff drafted an outline of the issues (6/12/96). There have been tentative discussions between the DEP's hazardous waste staff and staff from the industrial wastewater program. However, no written clarification has yet been provided.

Current Status: Subcommittee waiting for clarification from DEP.

#### P 5. Re-Introduction of Regulated Recyclable Materials (RRMs) Back into the Recycling System

Subcommittee Work and Recommendation: Discussion point--Is the material, once released, still an RRM or does it become a hazardous waste? Can it be re-introduced to the RRM process? Subcommittee developed a regulatory concept that would allow re-introduction of material into a RRM process under certain conditions.

HWAC: Subcommittee recommendation was endorsed by the HWAC and sent to DEP in 11/25/96 letter.

DEP Response: No response from DEP to date.

#### P 6. Compaction of Shop Rags and Filter Materials

Subcommittee Work and Recommendation: Discussion point--Compaction of shop rags and filter materials to remove liquids and reduce volume is prohibited as onsite treatment. Consensus was that compaction should be permitted by the DEP in a controlled manner since it would allow for improved and less costly waste management. The Subcommittee developed a regulatory concept that would allow the compaction of rags and filter materials under certain conditions.

HWAC: Subcommittee recommendation was endorsed by the HWAC and sent to DEP in 11/25/96 letter.

DEP Response: No response from DEP to date.

#### P 7. Definition of Closed Containers

Subcommittee Work and Recommendation: Complex interplay of state and federal regulations relating to onsite treatment. Federal code talks about generators being able to perform onsite treatment in 90-day accumulation tanks or containers if they are "closed." However, federal regulations do not expressly define what is meant by "closed" containers. Consensus was that a definition of "closed" was needed. Subcommittee developed a definition of "closed" which would allow onsite treatment in both 90-day or satellite accumulation tanks or containers under certain conditions.

HWAC: Subcommittee recommendation was endorsed by the HWAC and sent to

DEP in 11/25/96 letter.

DEP Response: No response from DEP to date.

#### OEE 8. Emergency Onsite Treatment Permits

Subcommittee Work and Recommendation: The Subcommittee discussed onsite treatment of wastes which should not be transported, like highly shock-sensitive wastes. Noted a "catch": Onsite treatment of hazardous waste is generally prohibited by the DEP, however these wastes cannot or should not be moved off-site.

Current Status: As a result of Subcommittee discussions, the DEP has changed and expedited the emergency onsite treatment permitting process.

#### MW 9. Used Oil

Subcommittee Work and Recommendation: This topic was discussed at length by the first Regulations Review Subcommittee. Specific recommendations were made as part of 10/14/94 final report endorsed by HWAC. A key recommendation was that all regulations in 310 CMR 30.00 which deal with used oil should be separated out from the main body of 310 CMR 30.00. The current Regulations Review Subcommittee has discussed this.

Current Status: Subcommittee is in the process of drafting a proposal which will be sent to the HWAC for approval. Further discussion is also needed on the definition of used oil at 310 CMR 30.100.

#### E 10. Checklist #1: Definitions

Subcommittee Work and Recommendation: The Subcommittee worked closely with DEP and a consultant to provide substantial input on a comparison of definitions in 310 CMR 30.00 and in the federal regulations. Made specific recommendations only on definitions which posed an issue for either the Subcommittee members or the DEP.

Current Status: Recommendations will be sent to HWAC for review and approval and then on the DEP.

First Regulations Review Subcommittee  
From October, 1992 to October, 1994

Summary of Completed Work as of December 5, 1997

The codes below appear in the left margin:

MW = More work done by the second Regulations Review Subcommittee

P = Pending a response from the DEP

A = Adopted by the DEP

OBE = Overcome by events; issue resolved

NOTE: Attached to this summary are the recommendations of the first Reguiations Review Subcommittee or the Used Oil Subcommittee on used oil.

**1. Household Hazardous Waste**

Subcommittee Recommendations:

- A -Allow LQGs and TSDFs to participate in collections
- A -Draw distinction between a "host" and an "organizer"
- A -Allow LQGs to provide collection services for their employees
- A -Increase time for removal of waste from a one-day event from 24 to 48 hours
- A -Allow collection and transport of HHW from those unable to get to events
- A -Reduce permitting standards for paint-only collections

**2. Identification and Listing of Hazardous Wastes**

Subcommittee Recommendations:

- A -Take advantage of EPA's new Universal Waste approach.

**3. Regulated Recyclable Materials**

Subcommittee Recommendations:

- A -Encourage both on-site and off-site recycling of Class A RRM<sup>s</sup> by streamlining and reducing permitting requirements
- OBE -Clarify application of boiler and industrial furnace rule (BIF) to both Class B1 and B2 activities

**4. Financial Responsibility**

Subcommittee Recommendations:

- A -Update the mailing address at 30.902

## 5. Generator Standards

### Subcommittee Recommendations:

M W -Adopt federal code or justify continued differences

A -Clarify that a one-time large shipment of hazardous waste will not result in a change in status

M W -Clarify the definition of "site"

M W -Modify the contingency plan requirements for LQGs

## 6. Transporter Standards

### Subcommittee Recommendations:

P -Clarify that if a waste is rejected by a TSDF after quality assurance/quality control tests, the waste should go back to the transporter. As part of the above, clarify the definition of "waste acceptance"

## 7. Treatability Studies

### Subcommittee Recommendations:

P -Strike the manifesting requirement at Section 30.099(23)(b)(6)(a)

E -Investigate whether the EPA will delegate this permitting authority. In the alternative, defer to the federal code and avoid a 2-step application process.

A -Follow the EPA's guidance if they increase the amounts of hazardous waste which can be stored and/or used for treatability studies.

## 8. Onsite Treatment

### Subcommittee Recommendations:

M W -Onsite treatment which is not "integral to the process" is an acceptable alternative to the off-site shipment of hazardous waste for treatment or for disposal

M W -Create a permitting program where certain forms of onsite treatment would be allowed by the DEP

M W -Clarify that activities done to "render wastes more amenable to disposal" in connection to section 30.603 are not prohibited onsite treatment

## 9. Licensing Standards

### Subcommittee Recommendations:

- P -Strike sections 30.804(9) and 30.814
- P -Clarify, modify or strike language at 30.852 which requires facilities to receive prior approval before new equipment, such as fire extinguishers, can be purchased
- A -Correct the MEPA citation at 30.880

## 10. Facility Standards

### Subcommittee Recommendations:

- MW -Clarify overlap of regulations on industrial wastewaters and hazardous waste as they relate to already-permitted discharges
- OBB -There should be a uniform level of information required by the DEP regions for Part B permits and licensing renewals
- A -There should be more facility walk-throughs and pre-permit application meetings between DEP permit staff and facilities
- P -Amend sections 30.532(1)(d), 30.532(1)(e) and 30.533(2) to reflect federal code on manifest discrepancies
- A -Delete sections of the regulations which are obviously no longer in effect

## 11. Used Oil

### Subcommittee Recommendations:

MW The first Regulations Review Subcommittee was assisted by a Used Oil Subcommittee. Both made recommendations specific to the management of used oil which were included in the Regulations Review Subcommittee's Final Report dated October 19, 1994. Attached to this summary are copies of these recommendations. The second Regulations Review Subcommittee has also discussed this topic.

